



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/794,772	02/03/1997	SHINJI SHIRAGA	35.G1271-CI	7040

5514 7590 09/24/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
2674	21

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	08/794,772	SHIRAGA, SHINJI
Examiner	Art Unit	
Jennifer T Nguyen	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 July 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,4-7,9 and 10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,4-7,9 and 10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

1. This Office action is responsive to amendment filed on 07/14/2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-7, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Motoyanagi (U.S. Patent No. 5,182,655).

Regarding claims 1 and 7, referring to Figs. 1 and 5, Motoyanagi teaches an electric equipment (200) (i.e. facsimile apparatus) having a plurality of power saving modes comprising: deriving means (21) for deriving remaining capacity of a battery (20), selecting means (12) for selecting one of a plurality of power saving modes (i.e., memory reception modes), calculating means (9) for calculating a remaining operating time from data derived by said deriving means and the one of the plurality of power saving modes selected by said selecting means (12), and display means (13a) for displaying both the power saving mode selected by said selecting means (12) and the remaining operating time calculated by said calculating means (9) (col. 1, lines 45-53, from col. 1, line 61 to col. 2, line 35, col. 4, lines 47-68, col. 5, lines 16-29 and col. 8, lines 34-59).

Regarding claim 4, Motoyanagi teaches control means (4) for controlling a processing speed and a brightness of display (13a) in said equipment (200) responsive to said selecting means (12) (Fig. 5, col. 7, lines 60-66).

Regarding claim 5, Motoyanagi teaches main display means (13a) for displaying data in relation to processed data in the electric equipment (200) (col. 4, lines 30-37).

Regarding claim 6, Motoyanagi teaches display means (13a) continuously displays the power saving mode and said remaining battery capacity (col. 3, lines 33-40, col. 6, lines 11-26).

Regarding claims 9 and 10, Motoyanagi teaches an electric equipment having a power saving mode comprising: a deriving means (21) for deriving remaining capacity of a battery (20), selecting means (12) for selecting one of a plurality of power saving modes (i.e., memory reception modes), calculating means (9) for calculating a remaining operating time from data derived by said deriving means and the one of the plurality of power saving modes selected by said selecting means (12), display means (13a) for displaying both the power saving mode selected by said selecting means (12) and the remaining operating time calculated by said calculating means (9), and control means (4) for controlling a brightness of display in response to the power saving mode selected by said selecting means (from col. 3, line 18 to col. 4, line 68 and col. 7, lines 57-68).

Response to Argument

4. Applicant's arguments filed on 07/14/2003 have been fully considered but they are not persuasive.

In response to Applicant's argument that claims 1 and 7 recite "selecting one of the plurality of power saving modes". However, Motoyanagi teaches selecting one of the plurality of

Art Unit: 2674

power saving modes (i.e., memory reception modes) (col. 4, lines 38-68). Therefore, it is believed that the limitations of claims 1 and 4-7 are still met by Motoyanagi and the rejection is still maintained.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**. The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to: 703-872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose
telephone number is 703-306-0377.

Jennifer T. Nguyen
09/12/2003
Art Unit 2674



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600